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10/500,820	07/07/2004	Masahiro Oho	2004-1067A	8282
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,820

Applicant(s)

OHO ET AL

Examiner

MARK D. FEARER

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 7/7/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 07 July 2004 has been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 7, 9-11, 14-15, 18-20, 22-23 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Franklin et al. (US 6263436 B1).

Consider claim 1. Franklin et al. clearly discloses a unit-to-unit data exchange system for exchanging data between units connected to each other via a communications medium, comprising: a first unit having at least one piece of data that can be exchanged and requesting to exchange data with another unit; a second unit having data of interest to the first unit; and an exchange completion data keeping device connected to the first and second units via the communications medium for keeping first exchange completion data that is necessary, after completion of the data exchange between the first and second units, for reproducing data obtained by the first unit and

second exchange completion data that is necessary, after completion of the data exchange between the first and second units, for reproducing data obtained by the second unit, wherein the exchange completion data keeping device includes exchange completion data transmission means for transmitting the first exchange completion data to the first unit and the second exchange completion data to the second unit only when the first and second units have successfully received data of interest (column 3 lines 16-37).

Consider claim 2, as applied to claim 1. Franklin et al. clearly discloses a unit-to-unit data exchange system wherein: the first unit includes: first exchange completion data production means for producing the second exchange completion data; and first exchange completion data transmission means for transmitting the second exchange completion data produced by the first exchange completion data production means to the exchange completion data keeping device; the second unit includes: second exchange completion data production means for producing the first exchange completion data; and second exchange completion data transmission means for transmitting the first exchange completion data produced by the second exchange completion data production means to the exchange completion data keeping device; and the exchange completion data keeping device further includes exchange completion data keeping means for keeping the first and second exchange completion data transmitted from the exchange completion data transmission means so that each unit from which the exchange completion data has been transmitted can be identified (column 6 lines 26-34 column and 8 lines 20-44 and column 3 lines 1-15).

Consider claim 4, as applied to claim 1. Franklin et al. clearly discloses a unit-to-unit data exchange system wherein: the first unit further includes first exchange completion data production requesting means for requesting the exchange completion data keeping device to produce the second exchange completion data; the second unit further includes second exchange completion data production requesting means for requesting the exchange completion data keeping device to produce the first exchange completion data; and the exchange completion data keeping device further includes: exchange completion data production means for producing the first and second exchange completion data in response to the requests from the first and second exchange completion data production requesting means; and exchange completion data keeping means for keeping the first and second exchange completion data produced by the exchange completion data production means so that each requesting unit can be identified (column 6 lines 34-43).

Consider claim 7, as applied to claim 1. Franklin et al. clearly discloses a unit-to-unit data exchange system wherein: each of the first and second units further includes communication result notification means for notifying the exchange completion data keeping device of a communication result when a communication session with the other unit is terminated; and the exchange completion data transmission means determines whether or not both of the first and second units have successfully received data of interest based on the communication results from the communication result notification means of the first unit and that of the second unit (claim 13).

Consider claim 9, as applied to claim 1. Franklin et al. clearly discloses a unit-to-unit data exchange system wherein: the first exchange completion data is a decryption key used for decrypting data given by the second unit to the first unit; and the second exchange completion data is a decryption key used for decrypting data given by the first unit to the second unit (column 4 lines 20-32).

Consider claim 10, as applied to claim 1. Franklin et al. clearly discloses a unit-to-unit data exchange system wherein each of the first and second units further includes resend requesting means for requesting the other unit to resend data of interest if the unit fails to fully receive the data of interest (column 7 55-63).

Consider claim 11. Franklin et al. clearly discloses a unit for exchanging data owned by the unit with data of interest owned by another unit, comprising: exchange completion data production means for producing first exchange completion data that is necessary for reproducing the data owned by the unit; exchange completion data registration means for registering the first exchange completion data produced by the exchange completion data production means at an exchange completion data keeping device for keeping exchange completion data; and exchange completion data obtaining means for obtaining, from the exchange completion data keeping device, second exchange completion data that is necessary for reproducing data obtained from the other unit when a communication session with the other unit is terminated (column 6 lines 26-34 column and 8 lines 20-44 and column 8 lines 1-8).

Consider claims 14 and 18, as applied to claims 11 and 15, respectively. Franklin et al. clearly discloses a unit comprising resend requesting means for requesting the other unit to resend data of interest if the unit fails to fully receive the data of interest (column 10 lines 36-45).

Consider claim 15. Franklin et al. clearly discloses a unit for exchanging data owned by the unit with data of interest owned by another unit, comprising: exchange completion data production requesting means for requesting an exchange completion data keeping device for keeping exchange completion data to produce first exchange completion data that is necessary for reproducing the data owned by the unit; and exchange completion data obtaining means for obtaining, from the exchange completion data keeping device, second exchange completion data that is necessary for reproducing data obtained from the other unit when a communication session with the other unit is terminated (column 6 lines 26-34 column and 8 lines 20-44 and column 8 lines 1-8).

Consider claim 19. Franklin et al. clearly discloses an exchange completion data keeping device used in a system for exchanging data between units connected to each other via a communications medium, comprising: exchange completion data keeping means for keeping exchange completion data necessary for reproducing data exchanged between a first unit and a second unit; and exchange completion data transmission means for transmitting exchange completion data that is necessary for reproducing data obtained by the first unit to the first unit and transmitting exchange completion data that is necessary for reproducing data obtained by the second unit to

the second unit only when both of the first and second units have successfully received data of interest (column 2 lines 63-67 and column 3 lines 1-15).

Consider claim 20, as applied to claim 19. Franklin et al. clearly discloses an exchange completion data keeping device comprising: exchange completion data production means for producing the exchange completion data in response to a request from the first and second units; and exchange completion data keeping means for keeping the exchange completion data produced by the exchange completion data production means so that each requesting unit can be identified (column 6 lines 26-34 column and 8 lines 20-44 and column 10 lines 36-45).

Consider claim 22, as applied to claim 19. Franklin et al. clearly discloses an exchange completion data keeping device wherein the exchange completion data transmission means determines whether or not both of the first and second units have successfully received data of interest based on communication results from the first and second units (column 10 lines 36-45).

Consider claim 23, as applied to claim 22. Franklin et al. clearly discloses an exchange completion data keeping device wherein: the communication result is information indicating whether or not the data of interest has been received successfully; and the exchange completion data transmission means transmits exchange completion data when receiving information indicating that the data has been received successfully from the first and second units (column 11 lines 55-67 and column 12 lines 1-15).

Consider claim 27. Franklin et al. clearly discloses a program for instructing a computer device to exchange data owned by the computer device with data of interest owned by another computer device, comprising the steps of: instructing the computer device to produce first exchange completion data that is necessary for reproducing the data owned by the computer device; instructing the computer device to register the produced first exchange completion data at an exchange completion data keeping device for keeping exchange completion data; and instructing the computer device to obtain, from the exchange completion data keeping device, second exchange completion data that is necessary for reproducing data obtained from the other computer device when a communication session with the other computer device is terminated (column 6 lines 26-34 column and 8 lines 20-44 and column 8 lines 1-8).

Consider claim 28. Franklin et al. clearly discloses a program for instructing a computer device to exchange data owned by the computer device with data of interest owned by another computer device, comprising the steps of: instructing the computer device to request an exchange completion data keeping device for keeping exchange completion data to produce first exchange completion data that is necessary for reproducing the data owned by the computer device (column 3 lines 5-15); and instructing the computer device to obtain, from the exchange completion data keeping device, second exchange completion data that is necessary for reproducing data obtained from the other computer device when a communication session with the other computer device is terminated (column 8 lines 1-8).

Consider claim 29. Franklin et al. clearly discloses a program for instructing a computer device, which is used in a system for exchanging data between computer devices connected to each other via a communications medium, to function as: exchange completion data keeping means for keeping exchange completion data necessary for reproducing data exchanged between a first computer device and a second computer device; and exchange completion data transmission means for transmitting exchange completion data that is necessary for reproducing data obtained by the first computer device to the first computer device and transmitting exchange completion data that is necessary for reproducing data obtained by the second computer device to the second computer device only when both of the first and second computer devices have successfully received data of interest (column 2 lines 63-67 and column 3 lines 1-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 12, 16, 21, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. (US 6263436 B1) in view of Nagel et al. (US 7181017 B1).

Consider claim 3, as applied to claim 2. Franklin et al. discloses a method for simultaneous electronic exchange using a semi-trusted third party comprising a unit-to-unit data exchange system. However, Franklin et al. fails to disclose a method of converting data. Nagel et al. discloses a method for secure three-party communications comprising a first data conversion means for converting data owned by a first unit to data that can be reproduced successfully only by using a second exchange completion data; and first data recovery means for recovering data that can be reproduced successfully from data received from a second unit by using first exchange completion data; and the second unit further includes: second data conversion means for converting data owned by the second unit to data that can be reproduced successfully

only by using the first exchange completion data; and second data recovery means for recovering data that can be reproduced successfully from data received from the first unit by using the second exchange completion data (column 5 column 55-67 column 6 lines 1-24).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a method of converting data. Nagel et al. discloses a method for secure three-party communications comprising a first data conversion means for converting data owned by a first unit to data that can be reproduced successfully only by using a second exchange completion data; and first data recovery means for recovering data that can be reproduced successfully from data received from a second unit by using first exchange completion data; and the second unit further includes: second data conversion means for converting data owned by the second unit to data that can be reproduced successfully only by using the first exchange completion data; and second data recovery means for recovering data that can be reproduced successfully from data received from the first unit by using the second exchange completion data as taught by Nagel et al. with a method for simultaneous electronic exchange using a semi-trusted third party comprising a unit-to-unit data exchange system as taught by Franklin et al. for the purpose of data encryption.

Consider claim 12, as applied to claim 11. Franklin et al., as modified by Nagel et al. and Uesaka et al., further discloses a unit comprising: data conversion means for converting data owned by the unit to data that can be reproduced successfully only by using the first exchange completion data; and data recovery means for recovering data

that can be reproduced successfully from data (Franklin et al., column 3 lines 16-37) received from the other unit by using the second exchange completion data obtained by the exchange completion data obtaining means (Nagel et al., 14 12-47).

Consider claim 16, as applied to claim 15. Franklin et al., as modified by Nagel et al. and Uesaka et al., further discloses a unit comprising: conversion process data reception means for receiving conversion process data used for converting the data owned by the unit so that the data can be reproduced successfully by using the first exchange completion data sent from the exchange completion data keeping device (Franklin et al., column 3 lines 16-37); data conversion means for converting the data owned by the unit by using the conversion process data received by the conversion process data reception means; and data recovery means for recovering data that can be reproduced successfully from data obtained from the other unit by using the second exchange completion data obtained by the exchange completion data obtaining means (Nagel et al., 14 12-47).

Consider claim 21, as applied to claim 20. Franklin et al., as modified by Nagel et al., further discloses a exchange completion data keeping device comprising conversion process data production/transmission means for producing conversion process data such that exchanged data can be reproduced successfully at the first and second units by using the exchange completion data produced by the exchange completion data production means, and transmitting the conversion process data to the first and second units (Nagel et al., column 5 lines 38-67 and column 6 lines 1-24).

Consider claim 24, as applied to claim 19. Franklin et al., as modified by Nagel et al., further discloses an exchange completion data keeping device comprising exchange completion data deletion means for deleting exchange completion data kept by the exchange completion data keeping device if a predetermined condition is met (Nagel et al., column 25 lines 14-44 and column 29 lines 29-41).

Consider claim 25, as applied to claim 24. Franklin et al., as modified by Nagel et al., further discloses an exchange completion data keeping device wherein the predetermined condition is such that the exchange completion data deletion means deletes exchange completion data transmitted to the first and second units from the exchange completion data transmission means if the first and second units have successfully received the transmitted exchange completion data (Nagel et al., column 25 lines 14-44).

Consider claim 26, as applied to claim 24. Franklin et al., as modified by Nagel et al., further discloses an exchange completion data keeping device wherein the predetermined condition is such that the exchange completion data deletion means deletes the exchange completion data registered by the first and second units if the exchange completion data deletion means is notified from either unit that the data of interest has not been received successfully (Nagel et al., column 25 lines 14-44 and column 29 lines 29-41).

Claims 5-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. (US 6263436 B1) in view of Nagel et al. (US 7181017 B1) and in further view of Uesaka et al. (US 6044157 A).

Consider claim 5, as applied to claim 4. Franklin et al., as modified by Nagel et al., discloses a unit-to-unit data exchange system wherein: each of the first and second units further includes: data conversion means for converting first data owned by the unit to second data that can be reproduced successfully only by using the exchange completion data. However, Franklin et al., as modified by Nagel et al., fails to disclose a unit-to-unit data exchange system wherein: each of the first and second units further includes: a data recovery means for recovering data that can be reproduced successfully from data received from the other unit by using the exchange completion data transmitted from the exchange completion data transmission means; the exchange completion data keeping device further includes conversion process data production/transmission means for producing first and second conversion process data used for converting the first data to the second data that can be reproduced successfully by using the first and second exchange completion data, and transmitting the first conversion process data to the second unit and the second conversion process data to the first unit; the data conversion means of the first unit converts the first data to the second data by using the second conversion process data from the conversion process data transmission means; and the data conversion means of the second unit converts the first data to the second data by using the first conversion process data from the conversion process data transmission means. Uesaka et al. discloses a

microprocessor suitable for reproducing AV data while protecting the AV data from illegal copy and image information processing system using the microprocessor comprising: instruction fetch means for fetching the instruction from the memory; instruction decode means for decoding the instruction fetched by the instruction fetch means, wherein the instruction includes an AV data reproduce instruction; and execute means for executing the instruction decoded by the instruction decode means, wherein the execute means comprises: an AV data reproduce unit for, when the instruction decode means decodes the AV data reproduce instruction, inseparably executing a process of storing compressed AV data into the memory and a process of decompressing the compressed AV data of the memory (column 2 lines 31-45).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a microprocessor suitable for reproducing AV data while protecting the AV data from illegal copy and image information processing system using the microprocessor comprising: instruction fetch means for fetching the instruction from the memory; instruction decode means for decoding the instruction fetched by the instruction fetch means, wherein the instruction includes an AV data reproduce instruction; and execute means for executing the instruction decoded by the instruction decode means, wherein the execute means comprises: an AV data reproduce unit for, when the instruction decode means decodes the AV data reproduce instruction, inseparably executing a process of storing compressed AV data into the memory and a process of decompressing the compressed AV data of the memory as taught by Uesaka et al. with a unit-to-unit data exchange

system wherein: each of the first and second units further includes: data conversion means for converting first data owned by the unit to second data that can be reproduced successfully only by using the exchange completion data as taught by Franklin et al., as modified by Nagel et al., for the purpose of data reproduction.

Consider claim 6, as applied to claim 5. Franklin et al., as modified by Nagel et al. and Uesaka et al., further discloses a unit-to-unit data exchange system wherein: the first conversion process data is a first encryption key; the first exchange completion data is a first decryption key corresponding to the first encryption key; the second conversion process data is a second encryption key; and the second exchange completion data is a second decryption key corresponding to the second encryption key (Nagel et al., column 5 lines 38-67 and column 6 lines 1-24).

Consider claim 8, as applied to claim 6. Franklin et al., as modified by Nagel et al. and Uesaka et al., further discloses a unit-to-unit data exchange system wherein: the communication result is information indicating whether or not the data of interest has been received successfully; and the exchange completion data transmission means transmits exchange completion data if the exchange completion data transmission means receives information indicating that the data has been received successfully from both the first and second units (Franklin et al., column 3 lines 16-37).

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. (US 6263436 B1) in view of Nagel et al. (US 7181017 B1) and in further view of Eberhardt (US 5832488 A).

Consider claim 13, as applied to claim 12. Franklin et al., as modified by Nagel et al., discloses a unit-to-unit data exchange system wherein: each of the first and second units further includes: data conversion means for converting first data owned by the unit to second data that can be reproduced successfully only by using the exchange completion data. However, Franklin et al., as modified by Nagel et al., fails to disclose a unit comprising exchange history storing means for storing a history of data exchanges made with other units, wherein: the data conversion means changes a data conversion method based on the exchange history; and the exchange completion data production means changes a method of producing exchange completion data based on the exchange history. Eberhardt discloses a computer method for storing medical histories using a smartcard to store data (column 7 lines 49-61).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a computer method for storing medical histories using a smartcard to store data as taught by Eberhardt with a unit-to-unit data exchange system wherein: each of the first and second units further includes: data conversion means for converting first data owned by the unit to second data that can be reproduced successfully only by using the exchange completion data as taught by Franklin et al., as modified by Nagel et al., for the purpose of metric trends.

Consider claim 17, as applied to claim 16. Franklin et al., as modified by Nagel et al. and Eberhardt, discloses a unit comprising: exchange history storing means for storing a history of data exchanges made with other units; and conversion method notification means for notifying the exchange completion data keeping device of a

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conversion method used by the data conversion means based on the exchange history, wherein the data conversion means converts the data owned by the unit by using conversion process data using the specified conversion method sent from the exchange completion data keeping device (Eberhardt, column 7 lines 49-61).

Conclusion

Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for

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the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Mark Fearer
M.D.F./mdf
February 15, 2008

/Kenny S Lin/
Kenny S Lin
Primary Examiner